

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**MOTION TO STRIKE PORTIONS OF THE DECLARATION OF
THOMAS KEARNEY**

Plaintiffs respectfully move the Court to strike portions of the Declaration of Thomas Kearney in Support of Defendants' Motion for Summary Judgment ("Kearney Declaration), ECF No. 329-1. For the reasons set forth in the accompanying Memorandum in Support, Plaintiffs respectfully request the Court grant this Motion, issue an order striking portions of the Kearney Declaration from the summary judgment record, and give no consideration to the stricken portions of the Kearney Declaration in deciding the parties' summary judgment motions.

Dated: August 30, 2019

Respectfully submitted,

/s/ Scott A. Zebrak

Scott A. Zebrak (38729)
Matthew J. Oppenheim (*pro hac vice*)
Jeffrey M. Gould (*pro hac vice*)
OPPENHEIM + ZEBRAK, LLP
5225 Wisconsin Avenue, NW, Suite 503
Washington, DC 20015
Tel: 202-480-2999
scott@oandzlaw.com
matt@oandzlaw.com
jeff@oandzlaw.com

Attorneys for Plaintiffs